

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

Albert Lewis,

Plaintiff,

—v—

John Doe Correctional Officer, et al.,

Defendants.

USDC SDNY
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DATE FILED: **AUG 19 2016**

16-cv-251 (AJN)

ORDER

ALISON J. NATHAN, District Judge:

On July 22, 2016, Magistrate Judge Gorenstein issued a Report and Recommendation advising this Court to dismiss the above-captioned matter for failure to prosecute. Dkt. No. 11. The time for objecting to the Report and Recommendation has passed, *see id.* at 3, and the Court has not received any objection from Plaintiff Albert Lewis. The Court may “adopt those portions of the report to which no timely objection has been made, so long as there is no clear error on the face of the record.” *Feehan v. Feehan*, No. 09-CV-7016 (DAB) 2011 WL 497776, at *1 (S.D.N.Y. Feb. 10, 2011). The Court has reviewed Judge Gorenstein’s Report and Recommendation and has found no clear error. Accordingly, the Court adopts the Report and Recommendation in its entirety and dismisses this action pursuant to Federal Rule of Civil Procedure 41(b). *See LeSane v. Hall's Sec. Analyst, Inc.*, 239 F.3d 206, 209 (2d Cir. 2001) (“[I]t is unquestioned that Rule 41(b) . . . gives the district court authority to dismiss a plaintiff’s case *sua sponte* for failure to prosecute.”).

In light of Plaintiff’s pro se status, the dismissal will be without prejudice. *See Holcombe v. Skupien*, No. 14-CV-1448 (PAC) (JLC), 2014 WL 6879077, at *3 (S.D.N.Y. Dec. 5, 2014) (recommending dismissal without prejudice in a case where a prisoner failed to participate in the

case and failed to provide a current address), *report and recommendation adopted*, 2015 WL 524992 (S.D.N.Y. Feb. 9, 2015).

SO ORDERED.

Dated: August 19, 2016
New York, New York

A handwritten signature in black ink, appearing to read 'Alison J. Nathan', written over a horizontal line.

ALISON J. NATHAN
United States District Judge